

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM M. BYRD,

Plaintiff,

v.

AVENTIS PHARMACEUTICALS, INC.
and DEBRA EDMUNDS,

Defendants.

Civil Action No. 04-11032-DPW

DEFENDANTS' MOTION FOR SANCTIONS

Defendants, Aventis Pharmaceuticals, Inc. ("Aventis") and Deborah Edmunds ("Ms. Edmunds") (Aventis and Ms. Edmunds together, "Defendants"), hereby move, pursuant to the Court's inherent authority to sanction litigants for engaging in fraudulent conduct during the discovery process, for dismissal of Plaintiff's Complaint or alternatively, for the entry of another appropriate sanction. The grounds for this motion are that Plaintiff engaged in fraudulent conduct during the discovery process by testifying untruthfully during his deposition and in his answers to interrogatories about facts that are at the heart of his claims. The grounds for this motion are set forth more fully in the supporting memorandum and the Declarations of Lisa Ferrara and Samia M. Kirmani filed herewith.

CERTIFICATION LOCAL RULE 7.1(A)(2)

Defendants hereby certify that counsel for Defendants conferred with Plaintiff's counsel on April 5, 2005 regarding this motion but that the parties were unable to narrow the issues.

REQUEST FOR ORAL ARGUMENT PURSUANT TO LOCAL RULE 7(D)

Defendants respectfully request oral argument of their motion, if the Court deems such argument appropriate.

Respectfully submitted,

AVENTIS PHARMACEUTICALS, INC. and
DEBORAH EDMUNDS,

/s/ Joan Ackerstein

Joan Ackerstein (BBO# 549872)

Samia M. Kirmani (BBO# 634699)

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Dated: April 11, 2005